



Virginia  
Regulatory  
Town Hall

Periodic Review and  
Notice of Intended Regulatory Action  
Agency Background Document

<b>Agency Name:</b>	Virginia Employment Commission
<b>VAC Chapter Number:</b>	16 VAC 5-60
<b>Regulation Title:</b>	Benefits
<b>Action Title:</b>	Review & Pre-NOIRA
<b>Date:</b>	June 28, 2000

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to amend or repeal an existing regulation and is required to be submitted to the Registrar of Regulations as a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B).

Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

Establishes the procedures and requirements for the filing of initial, continued, and partial claims for unemployment compensation. The procedure for disposition of benefit checks payable to a deceased claimant, as-well-as the criteria for obtaining approval of training are also set out.

Basis

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or*

discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

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Sections 60.2-11 & 623 of the Code of Virginia.

**Public Comment**

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was or will be formed for purposes of assisting in the periodic review or development of a proposal.*

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No public comment was received regarding this regulation. No informal advisory group was or will be formed for purposes of assisting in the periodic review or development of a proposal.

**Effectiveness**

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

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Promote the prompt, effective, and efficient processing of benefit claims to ensure that benefits are paid when due by ensuring that 87% of all first payments are made within 14 calendar days from the first compensable week claimed.

To ensure that the Unemployment Insurance program works effectively, citizens must know how to file claims, and the agency must have a mechanism for ensuring uniform filing of initial and continued claims. By ensuring that 87% of claims are paid within 14 calendar days of the first compensable week claimed, the agency makes sure that the processes in place work correctly. This regulation is well written and easily understandable. The health, safety and welfare of citizens are protected by ensuring that benefits are paid when due.

**Alternatives**

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

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As the agency moves to implement the Governor's e-government initiative, filing claims by telephone and Internet must become a reality. The agency considered alternative language that

will make it possible for it to expand services and allow for Internet and telephonic filings. The regulation must be expanded to allow the agency to take advantage of new and expanding technologies.

**Recommendation**

*Please state whether the agency is recommending the regulation be amended or terminated and the reasons such a recommendation is being made.*

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The agency recommends that the regulation be amended to comply with Executive Order Sixty-Five (00).

**Substance**

*Please detail any changes that would be implemented.*

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The language in this regulation should be expanded to allow claimants to file initial claims, partial claims and continued claims by telephone and the Internet. This will take advantage of technological improvements and allow the agency to comply with the mandate of Executive Order Sixty-Five (00). It also replaces references to the Job Training Partnership Act with references to the Workforce Investment Act. Finally, language will be added regarding the cancellation and withdrawal of claims.

**Family Impact Statement**

*Please provide a preliminary analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The proposed changes to the regulation will have a positive impact on the family and family stability by allowing all Virginians to take advantage of expanding technologies. By reducing the need for face-to-face communication with the agency, child care and travel expenses should be reduced. This should allow all Virginians more time to spend with their families.